

Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 OES-06 L-03 NSC-05 SS-15 JUSE-00 SAB-01

DLOS-04 SAL-01 H-02 CIAE-00 INR-07 NSAE-00 SSO-00

NSCE-00 INRE-00 CG-00 COME-00 DOTE-00 EB-07 TRSE-00

PM-04 DODE-00 PRS-01 USIE-00 /067 R

DRAFTED BY ARA/PAN:JPBECKER/EJNADEAU:ZC

APPROVED BY ARA/PAN:SMOREYBELL

OES/OFA/FA:LNSCHOWENGERDT

L/OES:JBAILLY

L/ARA:MGKOZAK

NSC:SLOW

ARA:AMB. RYAN

ARA/PLC:AWILLIAMS

S/S-O:APSHANKLE

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA NIACT IMMEDIATE

C O N F I D E N T I A L STATE 102028

E.O. 11652:GDS

TAGS: EFIS, PFOR, PN

SUBJECT: PANAMANIAN REQUEST FOR SEIZURE OF US FLAG
VESSEL

REFERENCE: PANAMA 2906

1. REQUEST AMBASSADOR TAKE UP THIS PROBLEM WITH HIGHEST
LEVELS OF GOP AS IT HAS DOMESTIC IMPLICATIONS HERE WHICH
CAN IMPACT ON THE CLIMATE FOR THE TREATY NEGOTIATIONS AND
TRANSCEND LEGAL POSITIONS OF TWO COUNTRIES ON FISHERIES
JURISDICTION.

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2. DEPARTMENT HAS BEEN INFORMED BY AMERICAN TUNABOAT ASSOCIATION THAT THE US FISHING VESSEL BOLD PRODUCER, OPERATING ABOUT 60 MILES OFF CHIQUIRITA ISLAND, WAS FIRED AT BY A PANAMANIAN PATROL AIRCRAFT ON 26 APRIL. AIRCRAFT REPORTEDLY FIRED ACROSS VESSEL'S BOW.

3. RE US FISHING VESSEL VOYAGER. ACCORDING TO THE INFORMATION AVAILABLE TO THE USG (RECEIVED FROM THE VESSEL'S OWNERS) VOYAGER WAS TRANSITING THE AREA ENROUTE TO THE CANAL FOR THE PURPOSE OF RETURNING TO HER HOMEPORT OF SAN JUAN, PUERTO RICO, AND WAS NOT FISHING AS ALLEGED.

4. AMBASSADOR SHOULD ALSO REMIND GOP OFFICIALS OF THE AMBASSADOR'S CONVERSATION WITH HIGHEST LEVELS OF GOP (PANAMA 3606, JUNE 1974) DURING WHICH GOP ASSURED USG THAT IT IS NEITHER THE POLICY NOR THE INTENT OF THE GOP TO EMPLOY THE SEIZURE OF US FISHING VESSELS AS A MEANS TO ENFORCE PANAMA'S CLAIM TO A 200 MILE TERRITORIAL SEA. HE WAS ALSO ASSURED AT THAT TIME THAT THE GOP WOULD NOT OBJECT IF THE PRESIDENT INFORMED THE SPEAKER OF THE HOUSE AND THE CHAIRMAN OF THE SENATE FOREIGN RELATIONS COMMITTEE ON A CONFIDENTIAL BASIS THAT THE DEPARTMENT HAD BEEN GIVEN SUCH ASSURANCES BY A RESPONSIBLE OFFICIAL OF THE GOP AND THAT THE USG DOES NOT THEREFORE ANTICIPATE FUTURE SEIZURES. THE PRESIDENT RELIED ON THESE ASSURANCES IN GRANTING A POLITICALLY SENSITIVE WAIVER IN ORDER TO AVOID PROBLEMS FOR PANAMA. THEREFORE THE UNITED STATES IS DEEPLY CONCERNED BY THE RECENT PANAMANIAN ACTIONS CITED ABOVE AND BELIEVES THAT SUCH ACTIONS IN THE PRESENT POLITICAL CLIMATE HERE AND IN VIEW OF THE ONGOING PANAMA CANAL NEGOTIATIONS WOULD HAVE A PARTICULARLY NEGATIVE EFFECT HERE. WHILE SIGNIFICANT DAMAGE IS ALREADY PROBABLE GIVEN THE EVENTS DESCRIBED ABOVE ANY FURTHER ATTEMPTS BY PANAMA TO ENFORCE ITS CLAIMS AT THIS TIME WOULD HAVE SERIOUS CONSEQUENCES. FYI: YOU MAY WISH TO INDICATE THAT IF THEY SHOULD SUCCEED IN SEIZING ANY US BOAT (E.G. THE VOYAGER IF IT LEAVES CZ WATERS), IT IS HIGHLY DOUBTFUL THAT WE WOULD BE ABLE TO OBTAIN ANOTHER WAIVER OF U.S. STATUTORY SANCTIONS.)
END FYI.
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5. IF GOP OFFICIALS RAISE THE RECENT NARCOTICS CASE OF THE PANAMANIAN VESSEL KAKI, EMBASSY SHOULD DRAW DISTINCTION BETWEEN NARCOTICS CASES BASED ON BODY OF MUTUAL DOMESTIC AND INTERNATIONAL LAW AND FISHERIES CASES WHERE THERE IS NO MUTUAL AGREEMENT OR RECOGNITION OF EXTENDED NATIONAL JURISDICTION OVER HIGHLY MIGRATORY SPECIES SUCH AS TUNA. WE APPRECIATE THE LONG STANDING COOPERATION OF

THE GOP IN NARCOTICS MATTERS BUT SEE THE ISSUES HERE AS COMPLETELY UNRELATED. --

6. ALSO, REQUEST EMBASSY REPORT ALL FACTS AVAILABLE RE ALLEGED INCIDENT PARA 2 AND DEPARTMENT WILL THEN PROVIDE GUIDANCE ON APPROPRIATE FORMAL US PROTEST IF CALLED FOR. -

7. WHILE WE WANT BILATERAL PROBLEMS HANDLED THROUGH EMBASSY CHANNEL, MINISTER BELL DID RAISE ISSUE WITH AMBASSADOR GONZALES-REVILLA BECAUSE OF ITS HIGH SENSITIVITY. GONZALES WAS APPALLED AND INSTANTLY RECOGNIZED U.S. DOMESTIC POLITICAL IMPLICATIONS. HE SUGGESTED THAT RIGHTS AND WRONGS OF SITUATION WERE TRANSCENDED BY THOSE IMPLICATIONS. HE SAID HE WOULD TAKE STEPS TO ASCERTAIN FACTS ON ASSUMPTION THAT THIS WILL REACH THE PRESS AND HE NEEDS TO BE ABLE TO RESPOND. ALSO, HE SUGGESTED THAT AMBASSADOR JORDEN TAKE PROBLEM UP AT BOYD LEVEL OR HIGHER.

8. SO FAR THERE HAS BEEN NO MEDIA PUBLICITY, BUT DEPARTMENT (OES) HAS HAD STAFF LEVEL CALLS FROM OFFICES OF REPRESENTATIVES SULLIVAN AND WILSON (CALIF.) MEDIA COVERAGE CAN BE EXPECTED.

9. DEPARTMENT UNDERSTANDS THAT OTHER US TUNA VESSELS MAY BE OFF PANAMANIAN COAST AND AT LEAST ONE MORE (CALI) NOW ENROUTE FOR CANAL FROM SAN JUAN. SISCO

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